

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>TAL PROPERTIES OF POMONA, LLC, and AVROHOM MANES,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;"><i>-against-</i></p> <p>VILLAGE OF POMONA, BRETT YAGEL, MAYOR OF THE VILLAGE OF POMONA, and DORIS ULMAN,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p style="text-align: center;">17-CV-02928 (CS)</p> <p style="text-align: center;"><b><u>REPLY DECLARATION OF</u></b> <b><u>BRADLEY J. NASH IN SUPPORT OF</u></b> <b><u>MOTION FOR RELIEF FROM</u></b> <b><u>ORDER AND JUDGMENT</u></b></p>
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Pursuant to 28 U.S.C. § 1746, Bradley J. Nash, an attorney duly licensed to practice before this Court, declares the following to be true under penalty of perjury:


1. I am counsel for the Plaintiffs Tal Properties of Pomona, LLC and Avrohom Manes in the above-captioned matter.
2. I make this reply declaration in support of Plaintiffs' motion for relief from the order of this Court, dated January 10, 2018, granting Defendants' motion to dismiss the Complaint (the "Order"), and the judgment of dismissal, entered on January 12, 2018 (the "Judgment"), pursuant to Fed. R. Civ. P. 60(b)(2), based on newly-discovered evidence, and 60(b)(3), based on Defendants' misconduct in failing to provide land and building records regarding comparable properties in response to Plaintiffs' FOIL requests.
3. The purpose of this declaration is to place before the Court certain documents referenced in the accompanying memorandum of law.
4. Attached hereto as **Exhibit 1** is a true and correct copy of an Affirmation of Esther Noe Engelson, dated November 9, 2018.

5. Attached hereto as **Exhibit 2** is a true and correct copy of a Complaint in the matter *Central UTA of Monsey v. Village of Airmont*, Case No. 7:18-cv-11103 (S.D.N.Y.).

6. Attached hereto as **Exhibit 3** is a true and correct copy of a transcript of a conversation among Louis Zummo, Brett Yagel and Noreen Shea.

7. Although the Human Rights Report is dated June 4, 2018, Plaintiffs did not receive a copy of the Report until June 22, 2018. Plaintiffs did not receive a copy of the investigation file (including witness interview statements and voluminous emails collected by the investigator) until mid-July. After receiving the file, we reviewed and analyzed the records and also conducted our own investigation and interviews of community members, and prepared the motion papers.

Dated: January 17, 2019  
New York, New York



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**BRADLEY J. NASH**